



BILL NO.: House Bill 1131
TITLE: Education – Maintenance of Effort Waiver – Appeal Process
POSITION: **SUPPORT WITH AMENDMENTS**
DATE: February 24, 2010
COMMITTEE: Ways and Means
CONTACT: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** House Bill 1131 **WITH AMENDMENTS**. The bill provides that a county governing body or local board of education may appeal a decision of the State Board of Education regarding its maintenance of effort (MOE) waiver denial to the Office of Administrative Hearings (OAH).

As part of its recommended MOE waiver process reform package, MACo believes that creating a right of appeal to a neutral party would make the waiver process more objective. Under current law, the decision of the State Board is considered final. While a county may still file an appeal to the courts, in practice this is not feasible due to timing. By the time a court heard the case, a county would have already submitted its budget. The issue would be moot.

Therefore, MACo supports allowing an appeal to the Chief Administrative Law Judge in the OAH, or the Judge's designee. Unlike the State Board, whose charge is an advocate for education, OAH is a neutral party that would balance the needs of the county government versus the needs of education in its decision.

The appeal would have to be filed within 7 days after the complainant received the State Board's decision. OAH would have to conduct a hearing within 14 days after receiving an appeal request and render a decision within 14 days after the hearing. The decision of OAH would be final and made on substantive grounds.

The creation of an appeal process would make the MOE waiver process equitable. MACo has continued work to refine the preferred county waiver process, even since HB 1131 was drafted, and requests that these amendments be incorporated into the bill provisions. Accordingly, MACo recommends the Committee issue a **FAVORABLE WITH AMENDMENTS** report on HB 1131.